

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WILLIE J. SMITH, JR.

Petitioner,

vs.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:14-cv-00739-JAD-PAL

**ORDER**

Petitioner has submitted an application to proceed *in forma pauperis* (Doc. 5). The court finds that petitioner is unable to pay the filing fee.

Petitioner challenges the validity of his judgment of conviction in *State v. Smith*, Case No. 02C182520, in the Eighth Judicial District Court of the State of Nevada. Petitioner was convicted of possession of stolen property and adjudicated as a habitual criminal. Petitioner challenged the same judgment of conviction in *Smith v. Neven*, Case No. 2:07-cv-00161-JCM-GWF. In that action, this court denied the habeas corpus petition on the merits and denied a certificate of appealability. Petitioner appealed the denial. The Court of Appeals for the Ninth Circuit denied a certificate of appealability. The Supreme Court of the United States denied a petition for a writ certiorari.

The petition in this action is a second or successive petition as defined in 28 U.S.C. § 2244(b). Petitioner must first obtain authorization from the court of appeals before this court can consider his petition. 28 U.S.C. § 2244(b)(3).

1       **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (Doc.  
2 5) is **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

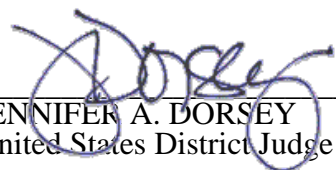
3       **IT IS FURTHER ORDERED** that the clerk shall add Catherine Cortez Masto, Attorney  
4 General for the State of Nevada, as counsel for respondents.

5       **IT IS FURTHER ORDERED** that the clerk shall electronically serve respondents with a  
6 copy of the petition (#1) and a copy of this order. No response by respondents is necessary.

7       **IT IS FURTHER ORDERED** that, pursuant to Circuit Rule 22-3(a), the clerk of the court  
8 shall refer this action to the United States Court of Appeals for the Ninth Circuit.

9       **IT IS FURTHER ORDERED** that the clerk of the court shall administratively close this  
10 action.

11       Dated: September 17, 2014.

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JENNIFER A. DORSEY  
United States District Judge